

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ILIFE TECHNOLOGIES, INC.,

Plaintiff,

v.

NINTENDO OF AMERICA INC.,

Nintendo.

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Case No. 3:13-cv-04987

**Jury Trial Demanded**

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**NOTICE OF IDENTIFICATION OF CLAIM TERMS**

Pursuant to Misc. Order No. 62, Rule 4-1, Defendant Nintendo of America Inc. (“NOA”) identifies claim terms from United States Patent Nos. 6,307,481, 6,703,939, 6,864,796, 7,095,331, 7,145,461 and 7,479,890 for construction. A list of the identified claim terms is attached hereto as Exhibit A.<sup>1</sup> NOA identifies these claim terms based on their current understanding of Plaintiff’s infringement allegations and the claims asserted. NOA reserves the right to supplement this list if new claims are asserted, additional disputes regarding claim scope arise, or circumstances otherwise warrant supplementation.

Dated: September 2, 2014

/s/ Stephen P. McBride

Thomas C. Wright

Texas State Bar No. 24028146

Alex J. Whitman

Texas State Bar No. 24081210 \

ROSE WALKER, LLP

3500 Maple Avenue, Suite 900

Dallas, TX 75219

Tel: (214) 752-8600

Fax: (214) 752-8600

twright@rosewalker.com

awhitman@rosewalker.com

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<sup>1</sup> In addition to the claim terms identified in Exhibit A, as identified in Defendants’ Rule 3-3 Preliminary Invalidity Contentions, Defendants maintain that a number of asserted claims are indefinite due to hybrid claiming.

Stephen R. Smith (Pro Hac Vice)  
Stephen P. McBride (Pro Hac Vice)  
Laura J. Cunningham (Pro Hac Vice)  
COOLEY LLP  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, Virginia 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100  
[stephen.smith@cooley.com](mailto:stephen.smith@cooley.com)  
[smcbride@cooley.com](mailto:smcbride@cooley.com)  
[lcunningham@cooley.com](mailto:lcunningham@cooley.com)

*Attorneys for Defendant*  
NINTENDO OF AMERICA INC.

**EXHIBIT A**

“body”
“dynamic acceleration”
“static acceleration”
“accelerative event characteristic”
“within environmental tolerance” / “within an environmental tolerance” / “within said environmental tolerance”
“tolerance indicia”
“environment”
“communication[s] device”
“representative mathematically of at least part of said environment”
“acceleration measuring device”
“substantially continuously measuring”
“relative to a three dimensional frame of reference in said environment”
“a successful attempt to change position”
“an unsuccessful attempt to change position”
“a motion of a body moving with a gait associated with a disability”
“a swaying motion”
“a near fall”
“an environmental representation”
“processor” / “controller”
“subtracting a value of gravitational acceleration”
“repeatedly sensed”
“motion”
“total acceleration”
“no movement”
“relative [to] an environment”
“accelerative phenomena” / “accelerative events”
“accelerometer”
“independent of a starting attitude of said sensor”
“no movement for a predetermined period of time”
“sensor”
“associated with” / “associable”
“dynamic and static accelerative phenomena”
“plurality of different types of motion”
“due to external forces”
“evaluate[s]”(“evaluated body movement” “evaluated body activity” “evaluating movement”)
“body activity”
“as a function of at least one accelerative event characteristic”
“associable with said body”

**CERTIFICATE OF SERVICE**

The undersigned affirms that counsel for Defendant has, this 2nd day of September, 2014, caused a copy of the foregoing document to be served upon counsel for Plaintiff via electronic mail.

/s/ Alex J. Whitman